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Attorneys for Defendants
American Qualified Plans, Inc.; Todd Henry; and Gordon Storjohann

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DKS ASSOCIATES, a California Corporation;
DKS ASSOCIATES EMPLOYEE STOCK
OWNERSHIP PLAN AND TRUST,

Plaintiffs,

v.

AMERICAN QUALIFIED PLANS, INC.;
TODD HENRY; GORDON STORJOHANN;
and DOES 1-50, Inclusive,

Defendants.

CASE NO. C 10-01187 JCS

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE TO
NOVEMBER 19, 2010**

JUDGE: Honorable Joseph C. Spero

1 Plaintiffs DKS Associates and DKS Associates Employee Stock Ownership Plan and
2 Trust, and defendants American Qualified Plans, Inc., Todd Henry, and Gordon Storjohann,
3 through their counsel of record herein, hereby STIPULATE and AGREE as follows:

4 1. On July 9, 2010, this Court generously ordered, so that the parties could devote
5 themselves to mediation of this matter, that the joint report could be filed and the initial
6 disclosures made in this matter by October 1, 2010, continued the Initial Case Management
7 Conference to October 15, 2010 at 1:30 p.m., and stayed all discovery and other litigation until
8 October 1, 2010. The parties requested such a stay and continuance so that they could devote
9 themselves and their limited funds to an attempt to resolve this matter through negotiation and
10 private mediation.

11 2. Plaintiffs' initially suggested mediator for this matter, Geoff Howard of Bingham
12 McCutchen, LLP, recently became unavailable to serve as mediator of this matter through the
13 end of the year due to his own trial schedule. The parties looked for alternative mediators and
14 have now scheduled a mediation before the Honorable Ellen S. James (retired) to occur on
15 October 21, 2010. The parties request a further continuance of the date to file their joint report,
16 and make initial disclosures, to November 10, 2010; continuance of the Case Management
17 Conference to November 19, 2010; and continuance of the stay on all discovery and other
18 litigation to November 10, 2010. Such continuance will allow the parties to continue to devote
19 themselves to the scheduled mediation and any follow-up settlement discussions thereafter if
20 necessary, before devoting further resources to litigation of this matter.

21 Therefore, the parties STIPULATE, AGREE, AND RESPECTFULLY REQUEST that
22 the Court continue the dates for the joint report to be filed, and initial disclosures made, to
23 November 10, 2010; continue the Case Management Conference to November 19, 2010; and stay
24 all discovery and other litigation until November 10, 2010.

SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED:

DATED: September 14, 2010 JOHANSON BERENSON LLP

By: s/ David R. Johanson

David R. Johanson
Attorneys for Plaintiff
DKS Associates

DATED: September 17, 2010 STEIKER, FISCHER, EDWARDS & GREENAPPLE, P.C.

By: s/ Margaret P. Steere

Margaret P. Steere
Attorneys for Plaintiff
DKS Associates Employee Stock Ownership Plan and Trust

DATED: September 15, 2010 SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: s/ Dennis G. Rolstad

Dennis G. Rolstad
Attorneys for Defendants
American Qualified Plans, Inc.; Todd Henry; and Gordon
Storjohann

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
"conformed" signature (/s/) within this e-filed document.

s/ Dennis G. Rolstad

Dennis G. Rolstad

ORDER

IT IS SO ORDERED that the joint report is to be filed, and initial disclosures made, by
November 10, 2010; that the Initial Case Management Conference is continued from October 15,
2010, to November 19, 2010, at 1:30 p.m.; and that all discovery and other litigation is stayed
until November 10, 2010.

DATED: 09/20/10

HONORABLE JUDGE JOSEPH C. SPERO
JUDGE JOSEPH C. SPERO